

REMARKS

The foregoing Amendment and the following Remarks are submitted in response to the Office Action mailed June 30, 2004 in connection with the above-identified application and are being filed within the three-month shortened statutory period set for a response by the Office Action.

Claims 2-10, 12-15, and 17-21 are pending in the present application as amended. Claim 18 has been amended to correct a minor matter, and new claim 21 has been added. Applicants respectfully submit that no new matter has been added to the application by the Amendment.

Applicants respectfully request reconsideration and withdrawal of the rejection of the claims based on the following remarks.

The Examiner has rejected claims 2-4, 12-15, and 17-20 under 35 U.S.C. §103(a) as being obvious over Matsushima et al. (JP 08293682) in view of Favaro (U.S. Patent No. 4,573,573). Applicants respectfully traverse the §103(a) rejection.

Independent claims 12 and 17 both recite a protective cover for a telephone having a keypad and a display. The cover has a keypad portion for covering the keypad of the telephone to protect the telephone at the keypad and a display portion for covering the display of the telephone to protect the telephone at the display.

As was previously pointed out, claim 12 further recites that the cover includes a securing device (40c in Fig. 6) for securing the cover to the telephone in a repeatedly mountable and disengagable manner. Such securing device includes a pair of wings (42c) that extend generally from either lateral side of the keypad portion (14c) and along sides of

the mounted-to telephone (10 in Fig. 3), and a strap (44c) that interconnects distal ends of the wings at a rear face of the mounted-to telephone.

Likewise, claim 17 further recites that the cover is formed from a single longitudinally extending piece of a sheet of plastic. Such piece includes a bottom zone including the keypad portion and defining one longitudinal end of the piece, a back zone defining the other longitudinal end of the piece, and a top zone between the bottom zone and back zone and including the display portion.

As set forth in connection with claims 18 and 19, the piece set forth in claim 17 may include two lateral extensions 46c on each lateral side thereof, with one pair of the extensions 46c on either lateral side of the top zone and the other pair of the extensions 46c on either lateral side of the back zone. Thus, the cover is formed when the piece is folded in a generally curving manner along a generally transverse line between the top zone and back zone such that the respective lateral extensions 46c on each lateral side encounter one another. As may be appreciated, the area of the fold runs generally along the top face 32 of the telephone 10 when the cover 12 is mounted thereto, and between the top zone and the back zone. Such encountering extensions 46c are then secured to one another and thus run generally along the sides of the telephone 10 when the cover 12 is mounted thereto.

As set forth in connection with claim 20, while the bottom zone at the front side of the telephone is not recited to have any counterpart zone at the back side of such telephone, a wing may extend laterally from each lateral side of the bottom zone, and distal ends of the wings may be interconnected by a strap. Thus, the wings and the strap in combination secure the bottom zone of the cover to the telephone.

The Matsushima reference discloses a cover for a flip-type phone where a panel (Fig. 1) is hingedly attached to the phone at a bottom edge thereof and where the panel may be flipped in to cover a keypad or flipped out to expose such keypad. Above the Matsushima keypad is a display which is not covered by the panel when flipped in. As shown in the drawing figures, the Matsushima phone is encased within a cover including a hinged keypad / panel portion that encases the hinged panel, and a display portion. Apparently, such display portion and such keypad / panel portion are at opposite longitudinal ends of the material that forms the bulk of the cover, and a pair of bands extend from either lateral side of the display portion (and not the keypad portion, as the Examiner asserts) along sides of the phone to an interconnecting portion which resides at the back of the Matsushima phone and midway between the display portion and the keypad / panel portion, with regard to the aforementioned material.

Significantly, although provided with such bands, the Matsushima cover does not in fact have a pair of wings that extend generally from either lateral side of the keypad / panel portion and along sides of the mounted-to telephone, as is required by claim 12. Instead, and again, the Matsushima bands extend from either lateral side of the display portion. In point of fact, the Matsushima keypad / panel portion has no such wings and in fact would not be provided with such wings inasmuch as such keypad / panel portion must be free to flip in and out. Note, too, that the cover of claim 12 is intended to protect an exposed keypad of a mounted-to phone, and the Matsushima phone keypad is not exposed, at least when the panel is flipped in.

At any rate, and as the Examiner concedes, the Matsushima phone cover does not have a strap that interconnects distal ends of such wings at a rear face of the mounted-to

phone. Instead, and again, such Matsushima bands connect to the interconnecting portion at the back of the phone. Nevertheless, the Examiner continues by arguing that the Favaro reference discloses such an arrangement.

The Favaro reference discloses an adjustable protective cover for a portable audio device such as a Walkman-type miniature cassette player, where the cover includes a sheet of material constructed to include an intricate set of extensions and hook-and-loop fastening material attached to various of the extensions. When properly folded, a piece of hook material at one extension encounters a piece of loop material at another extension and interconnects therewith to secure the extensions in place.

However, and significantly, none of the Favaro extensions is a strap that interconnects distal ends of wings at a rear face of a mounted-to telephone, as is required by claim 12. In particular, although the Favaro cover has lateral extensions that may be interpreted to be wings, such wings are not interconnected at distal ends by a strap, as is required by claim 12. Instead, such Favaro wings are interconnected by co-planar fastening materials which are overlaid with and contacted to each other to secure such wings to the Favaro audio device.

Moreover, and at any rate, the Favaro wings do not extend from either lateral side of a keypad portion, as is required by claim 12. Instead, inasmuch as the Favaro cover is for an audio player without a keypad, such cover would not have any such keypad portion. At most, the audio player may have some buttons on the side thereof, in which case the Favaro cover would have a button portion, but such button portion would not be centralized on the cover, as the Examiner should appreciate, and accordingly both extensions of the

Favaro cover that could be considered to be wings would not extend from such a button portion, as is required by claim 12.

Thus, the combination of the Matsushima and Favaro references does not disclose or suggest a strap interconnecting the distal ends of laterally extending wings that extend from either lateral side of a keypad portion, as is required by claim 12. Accordingly, such references cannot be applied to make obvious claim 12 or any claims depending therefrom, including claims 2-4, 7, 8, 10, and 13-15.

With regard to claim 17, Applicants again note that the Matsushima cover is formed from a longitudinally extending piece of material where the display portion and such keypad / panel portion are at opposite longitudinal ends interconnected by an interconnecting portion which resides at the back of the Matsushima phone. However, claim 17 requires a bottom zone including the keypad portion and defining one longitudinal end of the piece, a back zone defining the other longitudinal end of the piece, and a top zone between the bottom zone and back zone and including the display portion. Thus, the Matsushima display portion of the cover is at a longitudinal end and not between the elements required by claim 17.

The Examiner concedes that the Matsushima cover is not formed from a single longitudinally extending sheet of plastic, as is recited by claim 17, but nevertheless argues that the Favaro reference shows such a single longitudinally extending sheet of plastic. However, and as was previously pointed out, the Favaro cover cannot be reasonably described as a longitudinally extending piece, as is required by claim 17, inasmuch as the vertical and horizontal extents of the cover are roughly equal, as may be seen in the Favaro reference at Figs. 1 and 2 thereof. To reasonably interpret the Favaro cover as being longitudinally extending, as is required by claim 17, the Examiner would have to consider

only the central vertical portion of the cover, and impermissibly ignore the left and right vertical portions of the cover. Moreover, even if the central vertical portion was considered as the longitudinally extending cover, Favaro shows that the longitudinal ends of such cover meet at the same face of the Favaro audio player, as is shown in Figs. 3-5. Accordingly, such longitudinal ends cannot define a bottom zone including a keypad portion which would be at a front face and a back zone which would be at a back face, as is required by claim 17.

Moreover, no part of the central portion of the Favaro cover is a keypad portion, as is required by claim 17. Instead, and again, inasmuch as the Favaro cover is for an audio player without a keypad, such cover would not have any such keypad portion. At most, the audio player may have some buttons on the side thereof, in which case the Favaro cover would have a button portion, but such button portion would not be centralized on and appear on the central portion of the Favaro cover, as the Examiner should appreciate, and as required by claim 17.

Thus, neither of the Matsushima and Favaro references discloses or suggests the longitudinally extending cover, as required by claim 17. Accordingly, such references cannot be applied to make obvious claim 17 or any claims depending therefrom, including claims 18-20.

As a result, Applicants respectfully request reconsideration and withdrawal of the Matsushima – Favaro §103(a) rejection.

Applicants note that the Examiner has also rejected dependent claims 5-10 under § 103 in view of the Inoue and Favaro references, Takagi (U.S. Patent No. 5,251,329), Inoue (JP 2000115310) and/or Flannery (US 2002/0086711), and respectfully traverse such other rejections. In particular, since claims 12 and 17 are unanticipated and have been shown

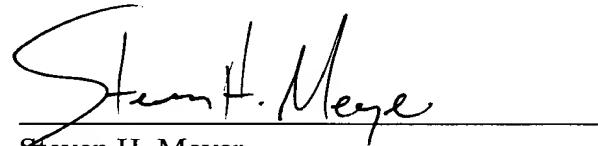
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to non-obvious, then so too must all claims depending therefrom be unanticipated and non-obvious, at least by their dependencies, including claims 5-10. As a result, Applicants respectfully request reconsideration and withdrawal of the other rejections.

In view of the foregoing amendment and discussion, Applicants respectfully submit that the present application including claims 2-10, 12-15, and 17-21 is in condition for allowance, and such action is respectfully requested.

Respectfully Submitted,



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